

2003

**STATE OF NEBRASKA
STATUTES RELATING TO**

LICENSED PRACTICAL NURSE-CERTIFIED ACT

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



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STATUTES PERTAINING TO LICENSED PRACTICAL NURSE-CERTIFIED

71-1772. Act, how cited. Sections 71-1772 to 71-1794 shall be known and may be cited as the Licensed Practical Nurse-Certified Act.

Source: Laws 1993, LB 536, §20. Operative date January 1, 1994.

71-1773. Purposes of act. The purposes of the Licensed Practical Nurse-Certified Act are (1) to provide a means by which licensed practical nurses-certified may perform certain activities related to intravenous therapy, (2) to provide for approval of certification courses to prepare licensed practical nurses-certified, and (3) to ensure the health and safety of the general public.

Source: Laws 1993, LB 536, § 21; Laws 2003, LB 213, § 1. Effective date August 31, 2003.

71-1774. Terms, defined. For purposes of the Licensed Practical Nurse-Certified Act:

(1) Administration includes observing, initiating, monitoring, discontinuing, maintaining, regulating, adjusting, documenting, assessing, planning, intervening, and evaluating;

(2) Approved certification course means a course for the education and training of a licensed practical nurse-certified which the board has approved;

(3) Board means the Board of Nursing;

(4) Department means the Department of Health and Human Services Regulation and Licensure;

(5) Direct supervision means that the responsible licensed practitioner or registered nurse is physically present in the clinical area and is available to assess, evaluate, and respond immediately;

(6) Initial venipuncture means the initiation of intravenous therapy based on a new order from a licensed practitioner for an individual for whom a previous order for intravenous therapy was not in effect;

(7) Intravenous therapy means the therapeutic infusion or injection of substances through the venous system;

(8) Licensed practical nurse-certified means a licensed practical nurse who meets the standards established pursuant to section 71-1777 and who holds a valid certificate issued by the department pursuant to the act;

(9) Licensed practitioner means any person authorized by state law to prescribe intravenous therapy; and

(10) Pediatric patient means a patient who is both younger than eighteen years old and under the weight of thirty-five kilograms.

Source: Laws 1993, LB 536, § 22; Laws 1996, LB 1044, § 578; Laws 1997, LB 66, § 2; Laws 1999, LB 594, § 49; Laws 2000, LB 1115, § 62; Laws 2003, LB 213, § 2. Effective date August 31, 2003.

71-1775. Intravenous therapy; performance of activities authorized; limitations; assessment required. (1)

Administration of intravenous therapy shall be a responsibility of the registered nurse as ordered by a licensed practitioner.

(2) A licensed practical nurse-certified may, under the direction of a licensed practitioner or registered nurse, perform the activities identified in section 71-1776 after the licensed practitioner or registered nurse has performed a physical assessment of the patient.

(3) A licensed practical nurse-certified shall perform appropriate activities associated with central venous lines only under direct supervision. Activities associated with central venous lines that are appropriate for the licensed practical nurse-certified to perform shall be defined in rules and regulations. A licensed practitioner or registered nurse shall provide direct supervision whenever a licensed practical nurse-certified is performing activities associated with central venous lines.

(4) A licensed practitioner or registered nurse need not be on the premises in order for the licensed practical nurse-certified to perform directed activities except for (a) initial venipuncture for purposes of peripheral intravenous therapy and (b) central-line activities.

(5) A licensed practitioner or registered nurse shall be present at least once during each twenty-four-hour interval and more frequently when a significant change in therapy or client condition has occurred to assess the client when the licensed practical nurse-certified is performing the activities identified in section 71-1776.

Source: Laws 1993, LB 536, § 23; Laws 2000, LB 1115, § 63; Laws 2003, LB 213, § 3. Effective date August 31, 2003.

71-1776. Licensed practical nurse-certified; activities authorized. A licensed practical nurse-certified may perform the following activities related to the administration of intravenous therapy under the direction of a licensed practitioner or registered nurse:

(1) Calculate the rate of intravenous fluid infusions, except for pediatric patients;

(2) Perform venipuncture, excluding jugular, for purposes of peripheral intravenous therapy, except (a) for pediatric patients or (b) with devices which exceed three inches in length. Direct supervision by a licensed practitioner or registered nurse shall be required for initial venipuncture for purposes of peripheral intravenous therapy;

(3) Except in the case of a pediatric patient, administer approved medications by approved methods. Approved methods of administration and approved medications shall be those for which nursing interventions are routine and predictable in nature related to individual responses and adverse reactions and as defined in rules and regulations of the board;

(4) Flush intravenous ports with heparin solution or saline solution; and

(5) Add pain medication solutions to a patient-controlled infusion pump.

Source: Laws 1993, LB 536, § 24; Laws 2000, LB 1115, § 64; Laws 2003, LB 213, § 4. Effective date August 31, 2003.

71-1777. Certification; requirements. In order to obtain a certificate as a licensed practical nurse-certified, an individual shall meet the following requirements:

(1) Have a current license to practice as a licensed practical nurse in Nebraska;

(2) Have successfully completed an approved certification course within one year before application for certification;

(3) Have satisfactorily passed an examination approved by the board;

(4) Have filed an application with the department; and

(5) Have paid the required fee.

Source: Laws 1993, LB 536, § 25; Laws 2000, LB 1115, § 65; Laws 2003, LB 242, § 109. Operative date July 1, 2004.

71-1778. Certificate; issuance; term. Except as otherwise provided in this section, a certificate to practice as a licensed practical nurse-certified shall be issued by the department to be valid for two years. An initial certificate shall expire at the same time as the applicant's license to practice as a licensed practical nurse. The application for the license shall include the applicant's social security number.

Source: Laws 1993, LB 536, § 26; Laws 1997, LB 752, § 176; Laws 2000, LB 1115, § 66; Laws 2003, LB 242, § 110. Operative date July 1, 2004.

71-1779. Certificate; renewal; continuing competency. Certificates for licensed practical nurses-certified shall be renewed as provided for licenses for licensed practical nurses in section 71-1,132.20. To obtain renewal of a certificate, a licensed practical nurse-certified shall complete continuing competency activities as required by the board under section 71-1788 and provide documentation of such activities as provided in section 71-161.10. Such continuing competency activities shall relate to intravenous therapy and may be included in the continuing competency activities required under the Nurse Practice Act for renewal of a license as a licensed practical nurse.

Source: Laws 1993, LB 536, § 27; Laws 1995, LB 563, § 44; Laws 2002, LB 1021, § 65; Laws 2003, LB 213, § 5. Effective date August 31, 2003.

71-1780. Curriculum for training; department; duties; approved certification course; requirements. (1) The board shall adopt and promulgate rules and regulations defining competencies required for enrollment in an approved certification course and acceptable means for measuring the competencies. Before enrolling in a course, a licensed practical nurse shall successfully demonstrate the prerequisite competencies.

(2) The department with the advice of the board shall prescribe a curriculum for training licensed practical nurses-certified, establish an examination, and adopt and promulgate rules and regulations setting minimum standards for approved certification courses, including faculty qualifications, record keeping, faculty-to-student ratios, and other aspects of conducting such courses. The department may approve certification courses developed by associations, educational institutions, or other entities if such courses meet the requirements of this section and the criteria prescribed in the rules and regulations.

(3) An approved certification course shall be no less than forty-eight hours of classroom instruction and shall include a clinical competency component as defined in rules and regulations of the board. Classroom instruction shall include the following: (a) State laws governing the administration of intravenous therapy; (b) anatomy and physiology of the circulatory system; (c) pharmacology; (d) fluid and electrolyte balance; (e) procedures and precautions in performing intravenous therapy; (f) types of equipment for intravenous therapy; (g) actions, interactions, and effects of medications in intravenous therapy; (h) documentation; and (i) other subjects relevant to the administration of intravenous therapy. An approved certification course shall be supervised by a registered nurse with a minimum of three years of clinical experience immediately prior to supervision of the course. An educator may be a physician, pharmacist, or other qualified professional. Nothing in this section shall be deemed to prohibit any courses from exceeding the minimum requirements.

Source: Laws 1993, LB 536, § 28; Laws 2000, LB 1115, § 67; Laws 2003, LB 213, § 6. Effective date August 31, 2003.

71-1781. Approval of course; procedure. (1) An applicant for approval to conduct a certification course shall file an application and shall present proof satisfactory to the department that the proposed course meets the requirements of the Licensed Practical Nurse-Certified Act and the rules and regulations adopted and promulgated under the act.

(2) The department may conduct such inspections or investigations of applicants for approval to conduct a certification course and of approved certification courses as may be necessary to ensure compliance with the act and the rules and regulations.

Source: Laws 1993, LB 536, § 29; Laws 2000, LB 1115, § 68. Effective date April 14, 2000.

71-1782. Licensed practical nurse-certified; disciplinary actions authorized. (1) The department may deny, refuse renewal

of, revoke, suspend, or otherwise take disciplinary measures against a certificate to practice as a licensed practical nurse-certified upon the grounds provided in sections 71-147 to 71-161.19 or for violation of the Licensed Practical Nurse-Certified Act or the rules and regulations adopted and promulgated under the act in the manner provided in such sections. The department with the approval of the board shall adopt and promulgate rules and regulations governing the procedures for denial of renewal of the certificate for failure to meet the continuing competency requirements.

(2) Any person practicing as a licensed practical nurse-certified who is not certified as such by the department and who possesses a current license to engage in any health profession for which a license is issued by the department may have such license denied, refused renewal, suspended, or revoked or have other disciplinary action taken against him or her by the department pursuant to the provisions of the Uniform Licensing Law relating to such profession.

(3) Any person who violates the Licensed Practical Nurse-Certified Act may have his or her license to practice as a licensed practical nurse denied, refused renewal, suspended, or revoked or have other disciplinary action taken against him or her by the department pursuant to the provisions of the Uniform Licensing Law.

Source: Laws 1993, LB 536, § 30; Laws 2002, LB 1021, § 66. Operative date January 1, 2003.

71-1783. Approved certification course; disciplinary actions authorized. The department may deny, revoke, or suspend or otherwise take disciplinary measures against an approved certification course in accordance with section 71-155 for violation of the Licensed Practical Nurse-Certified Act or the rules and regulations adopted and promulgated under the act.

Source: Laws 1993, LB 536, §31. Operative date January 1, 1994.

71-1784. Licensed practical nurse-certified; reinstatement of certificate. (1) A person whose certificate to practice as a licensed practical nurse-certified has been suspended or limited may apply for reinstatement of such certificate at any time in the manner provided in sections 71-161.04 to 71-161.07.

(2) A person whose certificate has been revoked for any reason specified in sections 71-147 to 71-148 or for a violation of the Licensed Practical Nurse-Certified Act may apply for reinstatement after two years have elapsed from the date of revocation in the manner provided in sections 71-161.04 to 71-161.07.

Source: Laws 1993, LB 536, § 32; Laws 2000, LB 1115, § 69. Effective date April 14, 2000.

71-1785. Approval to conduct certification course; reinstatement. A course provider whose approval to conduct a certification course has been suspended or revoked may apply for reinstatement at such time as the certification course meets the requirements of the Licensed Practical Nurse-Certified Act and rules and regulations adopted and promulgated under the act and will continue to meet such requirements.

Source: Laws 1993, LB 536, §33. Operative date January 1, 1994.

71-1786. Repealed. Laws 2003, LB 242, s. 154.

71-1787. Fees. The department shall establish and collect the fees to be paid for credentialing activities under the Licensed Practical Nurse-Certified Act as provided in section 71-162.

Source: Laws 1993, LB 536, § 35; Laws 2002, LB 1062, § 50; Laws 2003, LB 242, § 111. Operative date July 1, 2004.

71-1788. Department; board; duties. The department with the approval of the board shall adopt and promulgate rules and regulations to carry out the Licensed Practical Nurse-Certified Act. The board shall:

- (1) Approve an examination;
- (2) Establish the passing score for the examination;
- (3) Establish procedures for examination security;
- (4) Establish the number of times the applicant may fail the examination before he or she must retake the certification course;

and

(5) Establish continuing competency requirements for persons licensed under the act for adoption and promulgation by the department. Continuing education is sufficient to meet continuing competency requirements. The requirements may also include, but not be limited to, one or more of the continuing competency activities listed in section 71-161.09 which a licensed person may select as an alternative to continuing education.

Source: Laws 1993, LB 536, § 36; Laws 2002, LB 1021, § 67. Operative date January 1, 2003.

71-1789. Applicability of act. The Licensed Practical Nurse-Certified Act shall not prohibit the performance of the activities identified in section 71-1776 by an uncertified person if performed (1) in an emergency situation, (2) by a legally qualified person from another state employed by the federal government and performing official duties in this state, or (3) by a person enrolled in an approved certification course if performed as part of that approved certification course.

Source: Laws 1993, LB 536, §37. Operative date January 1, 1994.

71-1790. Use of title authorized. An individual certified to practice as a licensed practical nurse-certified may use the

title licensed practical nurse-certified and the abbreviation L.P.N.-C.

Source: Laws 1993, LB 536, §38. Operative date January 1, 1994.

71-1791. Lapse of certificate; when. (1) If a licensed practical nurse-certified does not have a current license or has had his or her license to practice as a licensed practical nurse denied, refused renewal, suspended, or revoked, his or her certificate to practice as a licensed practical nurse-certified shall be considered lapsed.

(2) If a licensed practical nurse-certified renews his or her license to practice as a licensed practical nurse but does not renew his or her certificate, such certificate shall be considered lapsed.

Source: Laws 1993, LB 536, §39. Operative date January 1, 1994.

71-1792. Lapse of certificate; effect; restoration. When a certificate to practice as a licensed practical nurse-certified lapses, the right of the individual to represent himself or herself as a certificate holder and to practice the activities for which a certificate is required shall terminate. To restore the certificate such individual shall be required to meet the requirements for certification which are in effect at the time that he or she wishes to restore the certificate.

Source: Laws 1993, LB 536, §40. Operative date January 1, 1994.

71-1793. Injunctions. Any person practicing as or holding himself or herself out as a licensed practical nurse-certified who is not currently certified as such by the department may be restrained by temporary and permanent injunctions.

Source: Laws 1993, LB 536, §41. Operative date January 1, 1994.

71-1794. Violations; penalties. Any person violating any of the provisions of the Licensed Practical Nurse-Certified Act shall be guilty of a Class III misdemeanor for the first offense and shall be guilty of a Class II misdemeanor for the second offense.

Source: Laws 1993, LB 536, §42. Operative date January 1, 1994.